

VIA CERTIFIED MAIL

Marvin Donius, Owner
David Lopez, Operations Manager
Mushroom Express
33777 Valley Center Road
Valley Center, CA 92082

Dear Mr. Donius:

On June 24, 2005, the United States Environmental Protection Agency, Region 9 Ground Water Office (EPA) accompanied the Rincon Tribe Environmental Department on an inspection of Mushroom Express. EPA's objective in performing the inspection was to identify any activities at the premises that could or do pose a threat to the quality of ground water, which is a source of drinking water for the tribe, and could also affect drinking water wells on this property. EPA's authority for conducting this inspection comes from its authority pursuant to the U.S. Safe Drinking Water Act, Underground Injection Control (UIC) regulations. Because neither Marvin Donius nor David Lopez of Mushroom Express were available, EPA, tribal representatives, and staff from the Rural Community Assistance Corporation (RCAC) were led on the inspection by an employee named Nik, and our inspection access was limited primarily to the outdoor portions of the lot.

All subsurface infiltration via constructed devices such as sumps, seepage pits, and leachfields is subject to UIC regulations. Additionally, various land uses that allow spills and leaks to occur, or accelerate the movement of contaminants to the water table (such as unsealed drinking water wells) may be prohibited if they are endangering to underground sources of drinking water. Potentially contaminating activities at the site include improper storage of waste oil, undocumented materials in the truck repair area, and injection wells used for sewage and other fluids.

I. Discharges subject to the Underground Injection Control (UIC) regulations

Underground Injection Well (UIC) 1: Sanitary wastewater from the entire lot is plumbed to a septic system between the south building and Valley Center Road.

Recommendation: EPA recommends that this system be pumped by a licensed sewage pumper, with a Rincon tribal environmental professional present, to document the volume and construction design of the system. RCAC (Ed Young) is also willing to participate in that inspection to assist evaluation of the system's performance. If a

County permit has already been issued for the operation of the system, it should be provided to EPA.

UIC 2: The site is also equipped with another system which Nik explained served the mushroom cooling/humidifier system when the farm was in full operation, but is no longer used. This system is also subject to UIC regulation.

UIC 3 and 4: Sumps receiving laundry wash water are subject to the Underground Injection Control regulations.

Requirements: All injection wells are subject to two minimum requirements: they must be registered on the Inventory of Injection Wells (40 CFR part 144.26) and they must not be used in a manner that could endanger underground sources of drinking water (40 CFR part 144.12.) **In order to comply with those requirements, please complete the enclosed inventory form and return it to EPA at the address above.**

If there are any infiltrative devices that were not identified during the inspection which you would like to report, please add them to the form. If you have questions about the regulations, please call EPA or consult

www.epa.gov/region09/water/groundwater/uic-classv.html.

It is the obligation of injection well owner/operators to know the location, capacity and contents of injection wells. Currently EPA does not require additional monitoring or reporting from owners or operators of most shallow injection wells. The regulations authorize EPA to require sampling, characterization and closure of any injection well. Injection well owner/operators who suspect that their well(s) may have been used for illegal disposal should report that activity to EPA to avoid criminal penalties.

Motor vehicle fluid disposal via injection wells, and the use of large-capacity cesspools for the disposal of sanitary waste/sewage from premises serving 20 or more persons per day, are two discharges prohibited through the UIC regulations. If the UIC 1 is found to be a cesspool rather than a septic system, you may be required to add a septic tank in order to be in compliance. If any motor vehicle repair fluids are being discharged to any of the injection wells on the premises, this practice should stop immediately.

II. Other site activities potentially impacting ground water

Motor vehicle fluid storage, including waste oil, is inadequate to prevent contamination of soil, either from direct discharge or from exposure to wash and stormwater that could move contaminants to injection wells or to unpaved areas. The berm surrounding the waste oil area was visibly leaking at the time of the inspection.

Recommendation: EPA recommends at a minimum that all waste fluids be legally

removed by a licensed waste oil/hazardous waste hauler, and that all usable materials be stored in a lockable bermed and roofed area. Waste fluids should not be combined, and all waste containers should be marked with their contents. Spills should be allowed to evaporate or cleaned up with absorbents, not washed with water. Please retain receipts, manifests and other documentation in case that disposal is questioned.

The inspection did not uncover any pesticides or herbicides, but if they are present at the facility they should also be properly contained.

III. Drinking Water supply concerns.

While it is not in the purview of the UIC regulations, EPA is including these recommendations as they pertain directly to the health of persons residing and working at the site, as well as the quality of ground water in the area.

If the drinking water well on the site is no longer functioning, it should be properly destroyed so that it does not become a conduit to the water table for contamination. If it may be reconnected in the future, it should be equipped with backflow prevention. The temporary drinking water supply system using garden hoses from an adjacent Tribal residence is unsanitary and may also be in violation of the drinking water regulations.

Recommendation: At a minimum, the shed housing the drinking water supply well should be locked. For further guidance on drinking water well safety, well abandonment, and drinking water supply, please consult with Kristie Orosco, Rincon Tribal Environmental Director (korosco@rincontribe.org), Helen McKinley at (415) 972-3559 or mckinley.helen@epa.gov, and/or Ed Young at RCAC; he can be reached at eyoung@rcac.org.

Enclosed are the partially completed inventory form and some additional guidance on motor vehicle fluids management. Please contact Elizabeth Janes at (415) 972-3537 or janes.elizabeth@epa.gov if you have any corrections regarding our findings or questions concerning this letter.

Sincerely,

David Albright
Manager, Ground Water Office (WTR9)

cc: K. Orosco, Rincon Tribe
E. Young, Rural Community Assistance Corporation
H. McKinley, EPA R9 Drinking Water Office